

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ISREAL S. DIAZ,	:	Civil No. 1:25-CV-00307
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DIPIERO, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

**AND NOW**, on this 25th day of July, 2025, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. This Clerk of Court is directed to **REOPEN** this action.
2. Plaintiff's application for leave to proceed in forma pauperis, Doc. 14-1, is **GRANTED**.
3. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation.
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
  - (A) the average monthly deposits in the inmate's prison account for the past six months, or
  - (B) the average monthly balance in the inmate's prison account for the past six months.

5. The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent / Warden, or other proper official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.
6. The Clerk of Court shall send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
7. The Clerk of Court is directed to **FILE** the amended complaint, Doc. 14-2, as a separate document.
8. Plaintiff's request to combine this action with Case No. 25-CV-805 is **DENIED**.
9. The amended complaint, Doc. 14-2, is **DISMISSED** without prejudice for failing to state a claim upon which relief may be granted.
10. Plaintiff may file a second amended complaint by **August 25, 2025**. The filing shall be titled "Second Amended Complaint" and shall be filed under the above captioned case number.
11. The Clerk of Court is directed to forward two (2) copies of the prisoner civil rights complaint form to Plaintiff to assist in amending the complaint.
12. A failure to timely file a second amended complaint will result in the case being dismissed.

13. Plaintiff's motion for appointment of counsel, Doc. 14, is **DENIED** without prejudice.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Judge  
Middle District of Pennsylvania